

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

CX 2/7

CL 2005/12-CAC
March 2005

TO: Codex Contact Points
Interested International Organizations

FROM: Secretary,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla, 00100 Rome, Italy

SUBJECT: **Review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces**

DEADLINE: **10 May 2005**

COMMENTS: **To:** Secretary
Codex Alimentarius Commission
FAO
Viale delle Terme di Caracalla
00100 Rome, Italy
E-mail: codex@fao.org
Fax: +39 06 5705 4593

Copy to: Director
Food Safety Department
WHO
20 Avenue Appia
CH-1211 Geneva 27
Switzerland
E-mail: foodsafety@who.int
Fax: +41 22 791 4807

BACKGROUND

1. As a follow up to the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards conducted in 2002 and the ongoing implementation of its recommendations by Codex, a team of consultants has been recruited to conduct a review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces, with a view to formulating recommendations for consideration by the Commission. The consultants prepared a preliminary report, which was presented to the Executive Committee at the 55th Session, 9-11 February 2005¹.

2. The Executive Committee noted that on the basis of the guidance provided by the Committee a Final Report would be prepared and be sent as a Circular Letter to all Codex Members and Observers for comments. The recommendations in the Final Report, in the light of the comments received, would be considered by the 56th Session of the Executive Committee and by the 28th Session of the Commission. To bring necessary changes to the relevant sections of the Procedural Manual, including the Terms of Reference of subsidiary bodies, the

¹ CX/EXEC 05/55/2 Part III

Commission would then invite the 23rd Session of the Committee on General Principles (2006) to formulate concrete proposals for revision of the provisions in the Procedural Manual.

3. The Executive Committee further noted that those amendments to the Procedural Manual with no budgetary implications could be implemented once they were approved by the Commission, while other amendments which require budgetary provisions to be made would not be implemented before the 2008-2009 biennium².

4. Governments and international organizations are invited to submit their comments on the options for change contained in the Final Report of the consultants as attached, in particular on the recommendations in Section 13 of the Report, and should do so in writing, preferably by email, to the above addresses **not later than 10 May 2005**.

² ALINORM 05/28/3 paras 16-30

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces

Consultants' Final Report

March 2005

Consultants:

Mariam Abdul Latif

Eve Kasirye-Alemu

L. Robert Lake

Grant Meekings

CONTENTS

List of Acronyms.....	3
Executive Summary.....	5
1. Introduction.....	6
2. Responses to the Questionnaire.....	7
3. General Observations.....	8
4. Key Problems.....	9
5. The Problem of Resources.....	11
6. Changes to Codex's Mission.....	12
7. Cost-Effectiveness.....	13
8. Programme Management.....	15
9. Proposals for the Codex Committee on Food Additives and Contaminants.....	17
10. The Codex Structure.....	17
11. Additional Points on Commodity Committees.....	20
12. Further Observations on Individual Committees.....	22
13. Recommendations.....	24

Annex 1: Excerpt from the "Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work"; and the Terms of Reference for the Review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces

Annex 2: Questionnaire Sent to Codex Chairs and Host Governments

Annex 3: Current Structure of the Codex Alimentarius Commission

Annex 4: Charts Prepared by the Codex Secretariat Showing Work Completed by Selected Codex Commodity Committees

Annex 5: Proposed New Structure of Codex Alimentarius Commission

Annex 6: Trends in the Number of Codex Meetings

LIST OF ACRONYMS

CCCPC	Codex Committee on Cocoa Products and Chocolate
CCCPL	Codex Committee on Cereal, Pulses and Legumes
CCFAC	Codex Committee on Food Additives and Contaminants
CCFFP	Codex Committee on Fish and Fishery Products
CCFFV	Codex Committee on Fresh Fruits and Vegetables
CCFH	Codex Committee on Food Hygiene
CCFICS	Codex Committee on Food Import and Export Inspection and Certification Systems
CCFL	Codex Committee on Food Labelling
CCFO	Codex Committee on Fats and Oils
CCGP	Codex Committee on General Principles
CCMAS	Codex Committee on Methods of Analysis and Sampling
CCMH	Codex Committee on Meat Hygiene
CCMMP	Codex Committee on Milk and Milk Products
CCNFSDU	Codex Committee on Nutrition and Foods for Special Dietary Uses
CCNMW	Codex Committee on Natural Mineral Waters
CCPFV	Codex Committee on Processed Fruits and Vegetables
CCS	Codex Committee on Sugars
CCVP	Codex Committee on Vegetable Proteins
CMC	Commodities Management Committee
CTFBT	Codex Task Force on Foods Derived from Biotechnology
CTFVJ	Codex Task Force on Fruit and Vegetable Juices
FAO	Food and Agriculture Organization of the United Nations
GSFA	General Standard for Food Additives
IDF	International Dairy Federation
IIR	International Institute of Refrigeration
IOOC	International Olive Oil Council
IPPC	International Plant Protection Convention
ISO	International Organization for Standardization
JECFA	Joint FAO/WHO Expert Committee on Food Additives
JMPR	Joint FAO/WHO Meeting on Pesticide Residues
OIE	World Organisation for Animal Health
SPS	Sanitary and Phytosanitary Measures (WTO Agreement on the Application of)
TOR	Terms of Reference
UN/ECE	United Nations Economic Commission for Europe

WHO	World Health Organization
WTO	World Trade Organization

Executive Summary

Our Final Report identifies a number of obstacles that prevent Codex from operating in an efficient and cost-effective manner. Despite the growing importance of Codex activities for many member countries, current resources are severely stretched and urgent steps need to be taken if the risk of a substantial retrenchment in the work programme is to be avoided. Key areas for improved use of resources are identified.

We have also concluded that the core mission of Codex and its method of working need to be brought up to date. The significance of Codex standards has been fundamentally changed by the recent World Trade Organization (WTO) agreements, but the procedures and structure of Codex do not yet fully reflect that change. While the initial objective was the rapid creation of a large number of (non-binding) standards with an all-embracing scope, present day conditions require a more reflective approach that places more emphasis on the justification and prioritization of the tasks to be taken on, bearing in mind that food safety remains a priority objective. This must be done in conjunction with a willingness to limit the scope of new work, where necessary, to achieve a consensual acceptance of the final texts.

Our central conclusion is that it is now time for Codex to move from a 'committee-oriented' approach to its work, to a 'task-oriented' approach. This will require new structures and procedures to help the organization conduct its work in a way that is responsive to the changing needs of its members. Though we believe the achievements of Codex to date reflect great credit on all concerned, we are of the opinion that there is now a 'management deficit' in the way that Codex organizes and structures its work, and the report makes a number of proposals to address this need in the immediate future. We have identified a number of different ways in which this can be done, but the most radical is the creation of a Commodities Management Committee to oversee a more tightly controlled programme of creating and updating commodity standards. Wherever possible, committees should be given more-limited 'enabling' terms of reference (TOR) and become active only for the time taken to complete specified, time-limited tasks. If successful, we believe the same approach could be extended to other areas of Codex work. The merits of management oversight being undertaken in whole or in part by the Executive Committee (with or without changes in its structure and composition) are also discussed.

The report also addresses a number of problems and anomalies in connection with several individual Codex committees. Most importantly, it suggests splitting the Codex Committee on Food Additives and Contaminants (CCFAC) into separate committees for additives and contaminants, while re-affirming the need to maintain a clear separation between safety and non-safety work. Additionally, it also proposes more-centralised lines of communication with the Joint FAO/WHO Expert Committee on Food Additives (JECFA) and the Joint FAO/WHO Meeting on Pesticide Residues (JMPR). Recommendations are also made in respect to more streamlined ways of dealing with methods of analysis and commodity-related additive and contaminant limits, and rationalisation of the hygiene committees. We also recommend that Codex confine itself to the elaboration of global standards and discontinue the preparation of standards of relevance to only one region.

1. INTRODUCTION

1.1 The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) completed in 2002 a comprehensive evaluation of the Codex programme. The evaluation was conducted by an evaluation team comprised of a strong external component, and advised by an independent expert panel.¹ The Codex Alimentarius Commission (hereinafter referred to as the Commission) is already making changes in response to the FAO and WHO sponsored evaluation.²

1.2 Owing to time constraints, the evaluation team and expert panel did not conduct an in depth study of the structure and work of the Codex committees. Rather, the report recommended that a review involving a detailed study by consultants of the work of general subject and commodity committees should be undertaken (Annex 1). It was recommended that this review focus on:

- committee mandates with a view to rationalization;
- the any need for redistribution of tasks and responsibilities between committees and
- the need to split committees.

Additional areas that were put forth by either the evaluation team or the consultants for consideration included:

- the adequacy of the current structure of the committees;
- the relationship between all committees;
- the use of time bound task forces for commodity work;
- the deferment of the establishment of any new committee – vertical or horizontal – until the possibilities for progress and the need for continuing work have been determined through a task force and
- the treatment of health issues in commodity committees and whether they should be reduced to the essential minimum and wherever possible handled through a task force with the relevant horizontal committee.

Review Methodology

1.3 The authors of this report were appointed by the Codex Secretariat, as external consultants familiar with the Codex process, to carry out a further review of Codex committee structure and the mandates of Codex committees and task forces. Additionally, a questionnaire (Annex 2) was sent to committee chairs and host governments soliciting their input. Twenty two of the 45 recipients responded by the end of November 2004 and we have reviewed those responses.

1.4 We met in Rome for 3 days in November 2004 and had extensive discussions among ourselves and with members of the Codex Secretariat as a basis for producing a preliminary report (CX/EXEC

¹ Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work (<http://www.fao.org/docrep/meeting/005/y7871e/787e00.htm>)

² Document CX/EXEC 05/55/2 PartII provides a summary of the implementation status of the proposals endorsed by the Commission as follow up to the Joint Evaluation.

05/55/2 Part III), which was presented to the 55th Session of the Executive Committee of the Commission in February 2005, in which we participated. We worked on the final report for several days thereafter.

1.5 In the light of the discussion in the Executive Committee meeting and further discussions in Rome, we have further developed and elaborated the analysis contained in our preliminary report to produce this, our final report.

2. RESPONSES TO THE QUESTIONNAIRE

2.1 A review of the responses to the questionnaire revealed that many of the respondents felt there was a strong need for:

- Codex to focus its limited resources on food safety issues rather than on quality or standard of identity issues;
- more strategic management and tighter coordination of Codex standards development work;
- better oversight of the total Codex work programme;
- the development of a clearer mechanism for prioritizing work;
- a formalised meeting of the committee chairs;
- the establishment of a consistent approach to the development of food safety provisions for commodity standards;
- rationalization of food hygiene provisions;
- better time management by Codex committees;
- an increased use of task forces;
- a study of the benefits of work done by correspondence vs. work done face-to-face at international meetings;
- a formalized meeting of the committee chairs;
- the establishment of a consistent approach to the development of food safety provisions for commodity standards;
- rationalization of food hygiene provisions;
- better time management by Codex committees;
- an increased use of task forces;
- a study of the benefits of work done by correspondence vs. work done face-to-face at international meetings;
- a reduction in the number of Codex meetings;
- a comprehensive review of the TOR for all Codex committees;
- a comprehensive review of the role of Regional Coordinating Committees;

- a review of the status of regional standards;
- a review of the role of the Codex Committee on Methods of Analysis and Sampling (CCMAS);
- a restructuring of the CCFAC by splitting it into separate committees, one for food additives and one for contaminants as a means of addressing its extremely heavy workload;
- a review of the status of all committees adjourned *sine die*;
- the abolishment of “mission creep” among subsidiary bodies;
- the elimination of overlap between the nutrition and labelling committees and
- the avoidance of endless debates by Codex committees on the same issues.

Additionally, respondents expressed concern over the lack of:

- coordination between committees with overlapping TOR;
- consistency and coordination in the endorsement procedure process;
- standard procedures for the conduct of subsidiary body meetings;
- a formal consistent process for reviewing and revising old standards;
- communication and coordination between Codex and other international bodies and
- time limits for the development of standards.

2.2 Furthermore, the concept, which was posed in the questionnaire, of combining all commodity committees into a single committee was considered by most respondents, for a variety of reasons, to be impractical.

3. GENERAL OBSERVATIONS ON SCOPE OF OUR WORK

3.1 While we have tried to adopt a fairly liberal approach to our TOR, there have been certain key questions that we do not feel we are in a position to address. For the most part that is because they concern policy issues that need to be decided by the Commission itself. Since a number of these issues were raised both by respondents to the questionnaire and in the Executive Committee meeting of February 2005, we feel it may be helpful for us to provide some more specific commentary at this point. The issues about which questions were raised include:

- the balance of importance between food safety and quality standards;
- the balance of importance between global standards and regional standards;
- the overall size of the Codex programme and the relative priorities to be assigned to particular tasks and
- the desirability of abolishing certain committees and projects.

These are important and relevant issues, but they are in our view questions that Codex will have to (and ought to) consider and decide at a policy level. Although we have permitted ourselves some observations

on these issues, our principal objective has been to devise an organizational structure that will enable these policy decisions to be implemented in the most efficient and most cost-effective manner.

3.2 A number of other questions have been raised which we regard as very pertinent and proper for consideration either by the Secretariat or by external consultants, but which could not be encompassed within the time and resources allocated to the present project, largely because they would require the collection of substantial amounts of data and/or require more extensive discussion with other experts, governments or international organizations. These include:

- an in-depth analysis of the factors leading to timely development of standards;
- a detailed analysis of cost implications of any reorganization for Codex members, host governments and the Codex Secretariat;
- the role of the Executive Committee in the management of standards development and
- the possible relationship between the number of meetings held and the productivity of working groups.

Although we have not sought to provide definitive answers on any of these points, we have in some cases expressed a tentative view, or indicated areas where we feel further work would be particularly productive.

4. KEY PROBLEMS

4.1 Having carefully considered the points made in response to the questionnaire, the suggestions made by the evaluation team, the discussions referred to in Section 1, and the questions and comments raised in the Executive Committee meeting in February 2005, we have identified the following key problems.

Resource Constraints

4.2 The current frequency of meetings places a heavy burden on the governments that host meetings (the need to provide facilities, secretarial support, interpretation etc). This is especially true for governments hosting committees with large or complex agendas. It also creates particular economic and logistical problems for developing countries trying to actively participate in a large number of Codex meetings. The strain on the limited resources of the Codex Secretariat in trying to service so many meetings has become especially acute. This problem is exacerbated by the short annual time window for the scheduling of committee meetings, for a number of reasons. First, the Codex Secretariat must contend with the reduced availability of its staff before and after the annual Commission meeting when they must necessarily be engaged in essential preparatory and follow-up work. Secondly, there is the desire of committees to finalise draft standards in time to secure consideration at that year's Commission meeting. And finally, Codex sessions cannot be convened during the main holiday periods.

Codex's Changing Mission

4.3 From the inception of Codex in 1961/1962, its main focus has been the generation of voluntary, global standards for protection of public health and for facilitation of fair practices in international food trade. However, it is important to note that the current needs of member states of Codex have since shifted. The reasons include the ever changing nature of food-related public health concerns emanating from changing life styles, and the increasing globalisation of food trade. Of particular importance has been the establishment of the WTO in 1995. Under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), Codex standards in food safety have acquired the status of reference documents in the resolution of international food trade disputes. The question arises as to whether, in addition to the member states, the WTO now has a legitimate "customer interest" in the output of the Codex programme. Furthermore, Codex, as the international lead body in food standardization, needs to

liaise closely with other international standard-setting bodies to foster cooperation and minimise duplication of effort. Thus, the work of Codex requires a refocusing so that it encompasses more fully the mandate stipulated in Article 1 of the Statutes of the Codex Alimentarius Commission, and addresses the requirements of the new customers and the clients who have joined since 1961.

Working Methods are Not Cost Effective

4.4 One result of the committee-oriented approach taken by Codex has been that the individual committees, both horizontal and vertical, have in many cases come to behave as if they had an independent existence with an indefinite lifetime and an open-ended agenda. The Commission has found it difficult not only to evaluate the competing priorities of the various work programmes, but also to predict the relevance and value of the outputs or to control the rate of progress. As a consequence some tasks have consumed substantial resources over many years with very little to show in terms of agreed upon texts, while others have produced texts of limited relevance to the needs of the majority of member countries. Thus there is a growing disparity between the resources consumed by the committees and the scale and utility of the outputs produced.

Insufficient Management of the Work Programme

4.5 Codex has traditionally tended to approve work programmes in a largely non-critical manner, sometimes with only minimal attempts to cross-prioritize competing projects and to confirm the importance of a proposed project to the wider Codex membership. Once a project has been assigned to a committee, that committee has been left to progress the work in its own way and at its own pace, with little or no managerial oversight. At times, this has resulted in repeated, unsuccessful attempts over the course of many years to resolve particular issues, and even, to highly technical issues being brought to the Commission for resolution. Such situations can consume large amounts of resources for very little useful output. Concerns have also been expressed about unrecognised "mission creep" in some committees.

4.6 Codex has general subject and commodity committees, task forces and regional coordinating committees, all engaged in the formulation of standards and related texts. The TOR of some committees have remained unchanged for many years, and no longer cover all the work currently undertaken. As a consequence, the following has been noted:

- Overlaps and duplication often occur.
- The failure to set or observe time limits for accomplishment of the tasks in an expeditious manner, results in inefficiency and sub-optimal utilization of time and resources.
- Priorities assigned to projects by particular subsidiary bodies may or may not be subject to critical scrutiny by the wider membership. It is extremely difficult for the Commission itself to exercise the level of detailed oversight required across all subject areas. As a result, a degree of "mission creep" appears to have occurred in some committees. Other committees have devoted considerable time and effort to projects with limited relevance to the needs of the majority of member countries.
- Cooperation and coordination between different committees tends to be informal and ad hoc, and does not always produce agreed upon outputs on a timely basis.
- There is a lack of clear Codex guidelines for prioritizing work projects, beyond the general criteria in the Procedural Manual³.

³ Criteria for the Establishment of Work Priorities (Section II, Procedural Manual, 14th Edition)

Remit and Workload of CCFAC

4.7 Several of the responses to the questionnaire cited the very heavy workload that was before the CCFAC. Some of the responses also noted that there were significant differences between food additives and food contaminants and suggested that CCFAC be split into two committees, one dealing with food additives and one dealing with contaminants. Other responses indicated a degree of concern about the overlapping roles of CCFAC and commodity committees in setting levels for food additives in commodity standards. In addition, we note that both CCFAC and commodity committees (and even some regional committees) have been sending requests to JECFA to evaluate the safety of food additives.

Failure of the Present Structure to Facilitate Effective Management

4.8 The basic architecture of Codex subsidiary bodies (Annex 3) dates back nearly 40 years and was designed for a historical mission that was significantly different from the task facing Codex today. Most of the committees are comprised of dedicated expert specialists. They are largely autonomous and with little formal linkages or accountability to other committees. They generally propose their own work programmes, in areas which are so specialized as to make close oversight or scrutiny by the Commission extremely difficult. For the same reasons, the Commission is too far removed from the detail of the work being undertaken or proposed, to make a clear assessment of the relative priorities of many disparate programmes. This has meant that programme management has more often been "bottom-up" than "top-down". In recent years the Executive Committee has sought to provide the Commission with some managerial support. However this in turn raises additional questions about the possible division between executive and policy functions within Codex.

5. THE PROBLEM OF RESOURCES

5.1 The support of the Codex Secretariat is critical to the efficient working of Codex, but our examination of their work left us in no doubt that the Secretariat staff is severely over-stretched in trying to meet the current demands within the budgets assigned to them by the parent Organizations.

5.2 The work of Codex has long been seen as important by member governments. But because Codex standards are now recognized by the WTO in resolving trade disputes, this work has taken on considerably more importance, so that any scaling back of the work programme now would produce growing problems, not only for member governments, but also for the WTO. We are therefore surprised that the members of Codex are not pressing for a significant increase in overall resources assigned to Codex work.

5.3 As things stand however, the most effective single step that could be taken to ease the strain on resources would be a reduction in the number of meetings of Codex subsidiary bodies held each year. There are two ways this might be achieved: (1) by reducing the number of subsidiary bodies, and (2) by reducing the frequency of their meetings. The abolition of subsidiary bodies would almost certainly have a major impact on the shape and size of the overall Codex programme and would require significant discussion by the Commission. This is beyond the scope of our remit. The meeting frequencies of the existing committees could be reduced by:

- carrying out stricter prioritization of projects. All committees should be invited to review their current projects so that those of only limited interest to the wider membership, and those making excessively slow progress, do not continue to consume the scarce resources of member countries, host governments and the Secretariat. Postponement of such projects would reduce the heavy work load of some committees and ensure that the limited resources available for Codex work are expended on the Commission's top priorities.
- undertaking more work by correspondence etc. This option has been on the table within Codex for many years, but very little effort has been made to put it into practice in a systematic way. We believe a change of mindset is called for. At present the first reaction to a new problem or work demand is to convene a meeting or series of meetings, undertaking only such work by written

procedures as can be conveniently done between scheduled meetings. In our view, the emphasis needs to be changed. In particular we suggest that all work begin with a draft document, on which as much work as possible should be done by correspondence (even if that means several rounds of correspondence, telephone and electronic contact). We also believe it should be possible to make more use of electronic working groups, while ensuring that steps are taken to facilitate the full participation of developing countries.

- establishing time limits for completion of work. We believe that if Codex specified time limits for the completion of all new work, those limits would save resources and should help eliminate situations where certain controversial issues come back year after year for repeated, but unfruitful, discussion.

5.4 The preferred working methods outlined above are characteristic of the way Codex task forces operate. One solution, contained in our preliminary report, might therefore be for Codex to work toward adjourning existing committees and deciding that future technical work should be carried out exclusively by task forces established under very strict TOR that would define a very precise task and set realistic time limits for its completion. This would, we believe, hand a greater degree of control back to the Commission (1) on the work that was to be done, (2) the prioritizing and scheduling of the work against other demands on resources, and (3) in the elimination of nugatory work on projects of limited international significance, or on which consensus cannot be achieved within a reasonable period of time.

5.5 However, we would now like to propose an alternative approach to achieving the same objective which we believe offers further advantages. This would involve retaining the existing committees but introducing fundamental changes in the way they operate. At present, their TOR ask them to *do* something, but do not spell out in enough detail, precisely *what* is to be done. We therefore propose replacing the TOR of certain committees by a more general mandate along the following lines:

Committee X:

To carry out such tasks in relation to [subject area X] as the Commission may, from time to time, assign to it.

Committee X would then exist in a state of suspended animation (as if adjourned *sine die*) until such time as specific, time-limited tasks were assigned to it, in much the same way as if it were a task force. On completion of its current task(s), it would again adjourn *sine die*. Such committees would however continue to benefit from the host nation infrastructure and would be available to take on any new work (including reviewing and updating of existing standards) with minimum administrative delay, as and when requested.

6. CHANGES TO CODEX'S MISSION

6.1 From its inception, Codex's central mission has been the creation of a comprehensive set of (voluntary) food safety and quality standards, largely to assist countries that did not yet have the technical infrastructure to produce standards of their own. Once adopted, it was hoped that Codex standards would be widely incorporated into the appropriate national standards of member countries. A procedure still exists (the "Acceptance Procedure", at Part 5 of the Procedural Manual) for members to notify the Codex Secretariat when this has been done. The Codex Alimentarius itself contains a list of all countries in which products conforming to Codex standards may be freely distributed. However, as the Secretariat receives very few notifications, the procedure no longer appears relevant to members' present day needs. We therefore feel the procedure is an unnecessary distraction and should be discontinued and removed from the Procedural Manual. We understand that this is already under consideration by the Codex Committee on General Principles (CCGP).

6.2 The Codex Alimentarius now contains a large and comprehensive range of food standards and, in our view, the need to develop large numbers of new standards is less pressing now than it was 40 years ago. Today, a more critical assessment and prioritization of proposals for new standards is needed. At the same time, the need for Codex to be able to respond quickly to emerging concerns (especially in the area of food safety) and to keep under review the continuing validity of its existing standards, has taken on a greater importance in recent years.

6.3 An especially significant development has been the recognition of Codex texts as "International standards, guidelines and recommendations" for the purposes of international harmonisation under the WTO Agreement on the Application of SPS Agreement Measures, and the resultant relevance they have acquired in connection with the resolution of trade disputes. This gives Codex standards a standing in international law that was never anticipated when many of the existing structures and procedures were devised. Furthermore, as it is impossible for a rules-based trade regime to operate without rules, there is a sense in which WTO may now be regarded as a new interested party and "customer" for Codex standards.

6.4 Codex is however not the only international body that sets food-related standards. Other bodies include non-governmental as well as intergovernmental organizations. A list, by no means all inclusive, of these organizations includes the International Organization for Standardization (ISO), the World Organisation for Animal Health (OIE), the International Plant Protection Convention (IPPC), the International Olive Oil Council (IOOC), the International Institute of Refrigeration (IIR), the International Dairy Federation (IDF), and the United Nations Economic Commission for Europe (UN/ECE). Some of these bodies have only come into existence or entered this area of activity since the inception of Codex. We are aware however that the Codex Secretariat maintains regular contact with many of these organizations.

6.5 Our conclusion at this point is that Codex should undertake a fundamental review of its present remit, and should explicitly clarify the changes in its role stemming from the WTO Agreements. It should also, wherever possible, seek to enter into formal agreements or understandings with other relevant international standard-setting bodies to confirm clear lines of demarcation and to avoid conflicts and duplication of the work being undertaken.

7. COST-EFFECTIVENESS

7.1 Cost-effectiveness can be improved in several ways, including better use of the chairs of Codex subsidiary bodies and greater and more effective use of working groups. In addition, we believe Codex should take advantage of the lessons it has learned from recent experiences in the use of task forces.

Meetings of the Chairs

7.2 The chairs of Codex subsidiary bodies have started meeting informally in recent years and we endorse the suggestion that such meetings should be formally recognized by Codex. The pattern of the chairs meeting in the margins of the Commission meetings seems to have worked well without imposing additional administrative burdens and, in our view, these meetings should assist in coordinating Codex work and increasing consistency of practice, especially among committees that have overlapping business or interests in common. In our meeting with the Executive Committee we heard comments supporting these meetings.

7.3 We believe that a recognized meeting of the chairs of Codex subsidiary bodies immediately following Commission meetings (with the chairs agreeing to provide a summary of the meeting that would be circulated to all members) would be a cost-effective way of improving coordination.

7.4 As a further aid to better coordination, we also suggest periodic coordination meetings by the food standards officers who work in the Codex Secretariat. We believe that a regular exchange of information among those who attend the meetings of the Codex subsidiary bodies will facilitate better coordination by

the Secretariat. We recognize the problems of setting up such meetings within a small Secretariat who are continuously in travel status, but we were pleased to learn that such meetings are being held on a regular basis.

Working Groups

7.5 In some cases, more use could be made of working group meetings. These meetings would be open to all members, and to the extent possible, held immediately prior to or immediately following regularly scheduled Codex meetings (in order to minimize the impact on members, especially developing country members). The purpose of these working groups would not be to make final decisions, but rather to reduce the need for discussion at plenary meetings. Provided these groups are serviced by the host country, this could reduce the burden on the Secretariat which has severely constrained resources.

7.6 Greater reliance on electronic communication among interested parties, or working groups, between the regularly scheduled meetings of Codex subsidiary bodies could also help to produce needed text while reducing the number and length of high-cost face-to-face meetings.

Benefiting from Experience

7.7 Codex can also benefit from its recent experience with time bound task forces, especially the Codex ad hoc Intergovernmental Task Force on Foods Derived from Biotechnology (CTFBT). This task force was instructed by the Commission to complete its work in 4 years (2000-2003), which it did. When it went out of existence after its fourth meeting in March 2003, the CTFBT submitted three documents that were adopted at Step 8 by the Commission in July 2003. We believe the success of the CTFBT highlights the need for:

- a strong mandate from the Commission;
- a limited agenda for effective and efficient work;
- time limits for the completion of work so that everyone stays focused;
- work groups meetings between regular meetings;
- dedicated host government support and
- the encouragement by the chair of full participation, while at the same time insisting comments be short and to the point

7.8 The CTFBT experience demonstrates that Codex can complete significant work in a reasonable time on a difficult subject if:

- the work is important;
- the Commission accords it high priority;
- a good process is followed and
- the member governments send representatives who are knowledgeable and willing to work with others to find consensus.

7.9 We believe Codex standards could be developed in less time and with less cost if Codex followed the CTFBT approach with other committees and task forces.

8. PROGRAMME MANAGEMENT

8.1 The key management functions of the Codex programme that need to be undertaken include:

- evaluating and prioritizing requests for new work;
- assigning agreed upon projects to an appropriate subsidiary body;
- developing clear TOR;
- establishing time frames for producing results (with intermediate "milestones" as appropriate);
- monitoring the progress of the work and
- intervening in cases of serious difficulty, either to provide help and guidance or, if necessary, to direct that the project be aborted or redefined.

The management body performing these responsibilities should be separate from, and at a higher level than, the subsidiary body engaged in the work itself. In order to have credibility in this role, it will also need to demonstrate that it is able to satisfactorily represent the views of all members, that it is open and transparent in the decisions it reaches, and that it has an adequate understanding of the detailed technical issues involved. Against these criteria, we consider a number of possible ways in which this function might be carried out.

(a) By the Commission.

8.2 It is, at the end of the day, the Commission itself that is responsible for all of these activities. However, there are three main problems with the Commission directly managing without help. First the Commission already has a very heavy workload, secondly, national representatives attending Commission meetings do not normally have the necessary depth of technical expertise in the individual work programmes and thirdly, it would increase the duration of Commission meetings and the resource inputs required from the Secretariat. Although some of these points might be addressed if the Commission configured itself as a management committee for the first 1 or 2 days of its meeting, it would be an extremely costly and difficult exercise and, in our view, at present, this is not a practical solution.

(b) By one or more new Management Committees.

8.3 We outlined such a proposal in our preliminary report as a means of managing the work of the commodity subsidiary bodies. We envisage such a management committee being a Codex subsidiary body, established under Rule X 1(a). It would not be a committee of technical specialists, but rather would be the forum to which all proposals for new work would be addressed in the first instance. Its function would be to prioritize such proposals, whether for new standards, or for the revision of existing standards; submit an annual programme of new work for the Commission's approval; assign agreed upon projects to the appropriate subsidiary body and draw up time-limited TOR. It would also be charged with overseeing the rate of progress of the work programmes and providing advice and assistance to any subsidiary body confronted by particularly intractable difficulties.

8.4 Such a high-level management committee would for the first time, be able to exercise a degree of strategic management in an assigned area of standards development. It would be responsible for:

- critically scrutinising and prioritizing all proposals for new work in the area for which it was responsible;
- submitting a prioritized programme of work to the Commission for approval;

- assigning very tightly specified TOR and time limits for any task forces established to conduct this work;
- developing a programme for review and updating of existing standards and (if agreed to by the Commission) assigning the work to the appropriate subsidiary body;
- arranging the necessary liaison and consultation among the subsidiary bodies and with other Codex committees (e.g. CCFAC, Codex Committee on Food Labelling [CCFL]) and
- overseeing the progress of the work and assisting in overcoming major obstacles to progress.

(c) By the Executive Committee

8.5 The Executive Committee is presently in the process of assuming a strategic standards management role, which may encompass some of the above tasks. We regard this recognition of the need for a greater degree of project management as a positive development. However, the Executive Committee already has a full agenda. Moreover, it is only indirectly representative of the member countries, and its deliberations are not open to external observers, or even to member governments. A further practical consideration is that the Executive Committee is not a subsidiary body for which a member government provides meeting facilities and secretarial support. Any additional support required by the Executive Committee as a result of undertaking these functions would add to the demands on the Codex Secretariat.

(d) By a reconstituted Executive Committee

8.6 Some of those we have spoken to favour the Executive Committee being reconstituted to make it a more representative and more open body which would be better placed to consider policy questions as well as executive issues. This would address some of the problems discussed above, but would still leave the Executive Committee with a very substantial increased workload, and would not reduce the burden on the Secretariat.

(e) Self-Management within Committees

8.7 This would involve renewed exhortations to committees to exercise stricter prioritization of their work proposals, to undertake closer monitoring of progress and prompter adoption of remedial action in situations where there is a clear lack of progress on particular issues. This might also be combined with a regular and systematic review of their own TOR.

Discussion

8.8 It is clear that the 'management deficit' within Codex could be filled in a number of different ways and it is quite possible that different solutions will be needed in different areas of Codex work. However, on balance, we continue to believe that one or more new management committees should be established. Admittedly, the creation of additional bodies appears to be counter to the goals we want to achieve, and it is clear that such a move would only be justified if the efficiency gains in those subsidiary bodies it managed exceeded the cost of operating it (although improvements in the quality and clarity of the programme should also be considered).

8.9 With this in mind we believe that not all of these management tasks would need to be done in large face-to-face meetings. Receipt and circulation of new work proposals would clearly not require meetings. Codex has already identified the issues to be addressed in the supporting documentation to accompany new proposals and this should provide a good basis for an initial evaluation of these proposals by governments. It would also be possible to invite comments on a pro-forma that accompanied the circulated proposal, perhaps inviting a simple numerical score against a number of different headings (e.g. scale and severity of health problem, volume of trade, degree of controversy, political perceptions, etc). Our suggestions for implementing such a proposal, in a phased manner, are set out in Section 10.

9. PROPOSALS FOR CCFAC

9.1 In our preliminary report we suggested splitting CCFAC into two committees, one dealing with food additives and the other dealing with contaminants. Subsequently, during the Executive Committee meeting in February 2005, the advisor from the Netherlands (the host nation for this committee) stated that managing the present CCFAC workload had become very burdensome and that the burden should be reduced. We also heard valid concerns (especially from developing countries) about the length of time needed to attend both the committee meeting and the several work group meetings that preceded it, and about the problems experienced by the Secretariat in servicing this committee.

9.2 We share the perception that CCFAC, as currently constituted, has an inordinately heavy workload. (See tables prepared by the Codex Secretariat at Annex 4). We also recognize the differences in risk management possibilities between food additives such as preservatives that are intentionally added to food (and thus susceptible to tight control) and contaminants such as lead that in many situations are more difficult to control. We therefore remain of the view that a structural change to CCFAC is needed.

9.3 One option would be to convert, over time, the CCFAC into the Management Committee for Food Additives and Contaminants. As such, its role would be to establish priorities for the review of both additives and contaminants, and it would be ideally placed to serve as the sole Codex committee interacting with JECFA on all issues relating to the safety of food additives and contaminants. This Management Committee on Food Additives and Contaminants would also act as an authoritative point of reference for commodity committees and task forces on all matters relating to food additives and contaminants in food. Finally, it would establish TOR and recommend appropriate task forces to undertake all future work on both food additives and contaminants. Under this option the CCFAC would complete its current work and provide the needed endorsements, but it would not undertake any new work for either food additives or contaminants.

9.4 A simpler immediate solution would be to split CCFAC into a Food Additives Committee and a separate Food Contaminants Committee. Although this would result in a net increase in the number of committees, it should help to reduce the backlog of work in relation to a number of commodity-specific additive provisions. It would also allow the new Codex Committee on Food Additives to assume an exclusive role in setting safe additives limits for all foods, leaving a similar role in respect to contaminants to the new Contaminants Committee.

9.5 Because of its current large agenda, its numerous work groups and the length of combined work group and committee meetings which exist under CCFAC's present arrangement, we believe the creation of separate committees for food additives and food contaminants would not significantly increase the burden on participating countries or the Codex Secretariat over that with which they are presently dealing. In addition, the burden on the host government would in future be shared between two separate countries. We also believe that separate (and thus more focused) committees would facilitate improved transparency and better coordination with commodity committees.

10. CODEX STRUCTURE

10.1 The existing Codex structure is shown in Annex 3. As we have already observed, many of the committees and the basic architecture of the Codex subsidiary bodies date back to a time when Codex's mission was to generate a large number of new global standards where none previously existed. Each committee had a large programme of work that would take many years to complete and was therefore left to proceed with this work with minimal oversight or interference from higher-level bodies. It is a tribute to all concerned that a major part of the work programme originally envisaged has now been completed.

Furthermore, as outlined in Section 6, significant changes have also taken place that affect the mission of Codex and the likely character of its future work programme.

10.2 The central conclusion of this study is therefore that it is time for Codex to move from its historical, committee-oriented approach to a structure which is more task-oriented.

10.3 It is also relevant to note the changes that have taken place in the Commission itself. It has become larger as more countries have joined Codex or taken more interest in its work, and its focus has become less technical and more political and economic.

10.4 All of this leads us to conclude that the components of a new task-oriented structure would need to include:

- top-level policy direction (Commission);
- technical-level drafting groups (task forces or committees) and
- a focus on strategic planning and management oversight.

It is this third component (see Section 8) which is not well provided for within the existing structure, although we believe recent moves to give some of these functions to the Executive Committee reflect a growing awareness of the problem within Codex.

10.5 However, we continue to believe that the more radical approach of setting up one or more Management Committees to oversee the work of Codex subsidiary bodies would be cost effective. This would provide a new structure which would include:

- technical level drafting bodies working on tightly-defined, time-limited tasks, assigned to them via an intermediate-tier Management Committee.
- a Management Committee which would assess new work requests, advise the Commission on relative priorities and TOR, monitor the progress in drafting committees, provide advice and guidance as needed to committees and seek to promote efficient working practices and coordination between the committees.
- final responsibility for authorizing new work and adopting new texts remaining with the Commission.

10.6 We believe the introduction of Management Committees would result in substantial efficiency savings, while making it easier to manage the work of Codex in a more flexible, transparent and responsive manner. We recognise however that a range of different solutions is available (see Section 8) and that the introduction of the Management Committee concept to all areas of Codex work would represent a very major departure from existing ways of working.

10.7 With this in mind we would propose the application of the Management Committee concept initially only to the commodity standards (see Annex 5). This would place the commodity committees only, under a new Commodities Management Committee (CMC), whilst leaving the safety-related committees and most of the remaining horizontal subject committees unaffected, except for the element of new management oversight currently envisaged for the Executive Committee. A limited change of this sort would have the following advantages.

- It would be a less disruptive way of testing the Management Committee concept in practice.
- Although using different terminology, it amounts to a more practical development of the 'Single Commodity Committee' option put forward in the earlier stages of the evaluation.

- It could be run alongside the option identified in Section 8, of parallel management functions being operated by the Executive Committee for the remaining committees.
- Based on the experience with the commodity committees, the Management Committee concept could be readily extended into other areas of Codex work as required.

10.8 We envisage the CMC as a subsidiary body set up under Rule X (1) (a). Membership would be open to all members, plus observers. Offers to host the new committee would be invited from member governments. Its TOR would need careful discussion but might be framed along the following lines:

- To assist the Commission (and/or Executive Committee) in the management of the Codex work programme in relation to the preparation of draft commodity standards. ("Commodity standards" could include any standard or other Codex text that was not directly concerned with ensuring the safety of food.).
- To receive requests for new work from member governments, accompanied by a dossier of supporting information as currently specified.
- To consider the compliance of such requests and supporting information with the current Codex requirements and to circulate (at specified intervals) all such compliant requests to member governments for their initial reactions.
- To prepare advice for the Commission on the degree of priority and support associated with each proposal based on the governments' responses.
- To draft, in accordance with the Commission's instructions, TOR (including proposed timeframes for completion of the whole or discrete parts of the work) for the relevant committee or task force.
- To discuss agreed upon work items with the appropriate subsidiary body and agree upon a work plan with the chair.
- To monitor progress of the work and provide assistance or guidance to the chair on issues on which consultation or coordination is required with other Codex committees and on the handling of any difficulties encountered.
- To consider, in the light of the progress achieved, the need for revision of the TOR or, in extreme cases, termination or deferment of the work item, and to make appropriate recommendations to the Commission.

10.9 The CMC should cover those areas of work currently falling to the following subsidiary bodies on

- | | |
|---|--------------------------------------|
| • Milk and Milk Products (CCMMP) | Vegetable Proteins (CCVP) |
| • Fish and Fishery Products (CCFFP) | Cereals, Pulses and Legumes (CCCPL) |
| • Fats and Oils (CCFO) | Cocoa Products and Chocolate (CCCPC) |
| • Processed Fruits and Vegetables (CCPFV) | Natural Mineral Waters (CCNMW) |
| • Fresh Fruits and Vegetables (CCFFV) | Fruit and Vegetable Juices (CTFVJ) |
| • Sugars (CCS) | |

10.10 The TOR of all of these bodies should be rewritten in the form of the basic enabling mandate set out in paragraph 5.5. Specific additions to these TOR should be made in precise time-limited terms as new tasks are assigned to these committees. As a committee completes its task, the committee should adjourn *sine die* and its TOR revert to the base mandate of paragraph 5.5.

10.11 In due course, an examination should be made of the possibility of grouping some or all of the work of CCFL and the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) with those (non-safety) committees listed above.

10.12 The remaining horizontal and safety-related committees would remain within a largely unchanged structure. There are however, a number of ways in which improved management of their work should be addressed in the short-term. First is the new role of the Executive Committee which, subject to the Commission being satisfied with how representative and open it is, could be applied in a more focused way to the work of the non-commodity committees. Secondly, the fact that it has not worked in the past, should not prevent renewed attempts being made to introduce an enhanced level of self-regulation in all subsidiary bodies.

10.13 As the CMC and the Executive Committee gain experience in exercising their management roles, it may be possible to identify those measures which prove most effective and draw up a codified system of improved self-management for all Codex subsidiary bodies. As Codex, at all levels becomes more comfortable and familiar with exercising tighter management oversight of its programmes, it may eventually be possible to stand down the management committees and revert to direct management of the work of all subsidiary bodies by the Commission itself.

11. ADDITIONAL POINTS ON COMMODITY COMMITTEES

Other Management Options

11.1 Doubt has been expressed about the continuing need for commodity committees. Codex itself will need to decide whether, and to what extent, it wishes to undertake commodity standards work in the future. There are mixed views about this. In the course of our own discussions, we found some who believe Codex should be concerned exclusively with food safety; while others see the food quality work as being of continuing importance in maintaining a high level of consumer protection and facilitating international trade. Whatever the outcome of this debate within Codex, we consider that the existing array of permanent commodity committees with dated TOR and a disparate range of sectoral priorities is unlikely to be the best and most efficient way of meeting future needs. As such, we have set out our main proposals for dealing with this in sections 5 and 10 above. Other suggestions that we received were addressed in our preliminary report but, for completeness, we repeat here a brief discussion of some of these points.

11.2 One suggestion that has been made was to combine all the existing commodity committees into one or two "super commodity committees". This could be done in a variety of different ways, for example, by:

- combining all existing and dissolved commodity committees into a single committee. This committee would be responsible for drafting quality standards for all commodities, except where a Codex intergovernmental task force was specifically set up to deal with a particular issue.
- creating two or three super commodity committees to replace all existing and adjourned commodity committees. It has been suggested that one committee could deal with products of animal origin and the other with all other products. Codex task forces would be established for any work that was not in the scope of the TOR for these super committees.
- ceasing all new commodity work and establishing a single Commodity Revision Committee, responsible for reviewing and updating existing commodity standards. Each time a currently active committee completes its present work, it would adjourn, and the TOR of the new Commodity Revision Committee would be automatically enlarged to include the standards of the newly-adjourned committee. If new standards development work was required, it would be undertaken by a Codex task force established for that purpose alone.

11.3 We share the doubts expressed by a number of respondents, as to whether the idea of a single committee, working on the full range of Codex commodity standards would be feasible, or would offer any meaningful savings unless substantial areas of Codex work were dropped or delayed. We agree that any proposal for a single committee to undertake work in a broad range of specialist commodity subjects would be unduly complex, difficult to manage and lacking in transparency, given that its membership would, of necessity, be continually changing. We also see no rationale for dividing commodities into groups of products of animal as opposed to plant origin.

11.4 The idea of replacing the current commodity committees with a single Commodity Revision Committee would again mean curtailing the commodity standards programme. Should Codex decide to discontinue new work on commodity standards, without revoking existing standards, this option would perhaps be worthy of serious consideration. It would however be necessary to decide whether its priorities and work programme would be set by the Commission, by itself, or by some other body.

11.5 If Codex wishes to expand its work programme, or to continue broadly, with as much as possible of its present work programme, we believe it will need to deal with the existing 'management deficit' in one way or another. Our conclusion is that the approach proposed in sections 5 and 10 should be adopted for managing the commodities work, noting that it would provide a very flexible means of adjusting the programme size to match available resources or changing priorities, while improving the efficiency, speed and significance of the work that was undertaken.

The Need to Separate Safety Issues from Quality Issues

11.6 We would like to reiterate our view that there should be a clear separation between safety and quality issues, both to help eliminate the confusion and conflict that can sometimes arise between them and to help the Commission assign the desired level of priority to questions of safety. In view of the fact that Codex standards are specifically referenced by the WTO for resolving trade disputes under its SPS Agreement provisions, the Commission has already decided that, in cases of scarce resources, priority should be given to developing the SPS-related standards that are of greatest importance to members.

Additive and Contaminant Provisions

11.7 In our view, the relative roles of CCFAC and the commodity committees needs to be clarified to avoid inconsistency in decisions about the safe use of food additives, conflicting signals about Codex priorities for JECFA and confusion about the status of food additive provisions in commodity standards.

11.8 We believe that the CCFAC (or its successor committees) should be the sole committee to set upper safe limits for food additives and contaminants in commodities. Commodity committees should request CCFAC to identify safe limits for the additives that are likely to be used in foods that are the subject of Codex commodity standards. We believe that commodity committees and regional committees should not attempt to set safe limits for food additives. This separation of roles would help the CCFAC to focus on food safety and risk management, leaving the commodity committees to focus on those non-safety issues that may be important to ensuring quality and fair practices in international trade.

11.9 Similarly, to ensure clarity in such a key area of food safety, we believe there should be only one Codex channel for requests to JECFA for food additives and one for contaminants. Additionally, we believe that Codex should present to JECFA a single set of prioritized requests for food additive and contaminant assessments. At present, that role should fall to CCFAC as the Codex committee responsible for the safety of food additives and contaminants. If the committee is split, the cross-prioritization of requests would clearly require close liaison between the committees or, if serious problems arose, consideration by the Executive Committee, as the appropriate management body.

11.10 We also learned of a related concern (expressed by some respondents) about the use of the General Standard for Food Additives (GSFA). The proper use of the GSFA by commodity committees and

the inclusion in the GSFA of food additives for particular commodities are matters that need clarification if commodity standards are to be fully understood by all members.

11.11 In the interests of greater clarity, we believe that Codex should state unambiguously that the GSFA is the single authoritative Codex reference text for additive safety limits in all foods, whether or not they are the subject of a commodity standard. Codex commodity standards should clearly state that the levels specified in the GSFA (where they exist) govern the safe limits for food additives in the commodity standard.

11.12 The above steps should be taken in conjunction with (1) better coordination between CCFAC (or its successor committees) and commodity committees, and (2) a careful review of the TOR for these committees and of the pro-forma for commodity standards set out in the Procedural Manual.

12. FURTHER OBSERVATIONS ON OTHER INDIVIDUAL COMMITTEES

12.1 Concern has been expressed about (1) the status of committees adjourned *sine die*, (2) the role of CCMAS and the scope for duplication in the work of the CCFL and the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU). Questions have also been raised about the workload of the Codex Committee on Food Hygiene (CCFH), and about the relationship between CCFH and the Codex Committee on Meat Hygiene (CCMH).

12.2 We suspect that if we had been able to spend time with the chairs of the Codex subsidiary bodies, we would have learned of concerns relating to other subsidiary bodies, and perhaps other concerns relating to the above mentioned committees. This section will touch on some of the issues that involve committees that have not been discussed elsewhere in this report.

Methods of Analysis

12.3 Currently, the responsibilities for considering and endorsing methods of analysis and sampling are split between CCMAS and other committees. Assigning, explicitly, to CCFAC (or its successor committees) the role of considering sampling methods, and methods of analysis for contaminants could streamline the arrangements and make them more consistent. So far as microbiological methods are concerned, the TOR of CCFH refer to specification of hygiene provisions, including microbiological methods of analysis, but only in a footnote. The Commission should consider assigning all work related to microbiological methods of analysis and sampling to a single body. If the proposal for a single hygiene committee is adopted with simple TOR as set out in paragraph 12.6 below, the allocation of responsibility for analysis and sampling in this area could be made on a case by case basis, each time the committee was reactivated for a specific task.

12.4 If, as a general principle, a committee setting a limit is also given responsibility for specifying the relevant methods of analysis and sampling, it should be possible to rewrite the TOR of CCMAS along the lines of paragraph 5.5 and make use of it only for special projects, as and when they arise. This would probably mean some analytical methods experts attending committees they do not presently attend (or working by correspondence), but it would save the costs of holding separate CCMAS meetings. We have not been able to speak to enough people to make this a firm recommendation, but we suggest serious consideration should be given to this option.

Nutrition

12.5 The responses to the questionnaire that related to the CCNFSDU suggested changes that ranged from giving that committee a larger role in Codex to combining it with CCFL, but no consistent solutions were proposed. One option would be to transfer all nutrition labelling issues to the CCFL and adjourn CCNFSDU with simple enabling TOR, assigning specific tasks to it, as needed. In the absence of any

clear agreement within Codex about the role that nutrition should play in its work on international standardization, it seems to us that there are two major conflicting alternatives. One is that Codex, as a standard-setting body should cease working in the area, given that nutrition labelling issues can be addressed by CCFL and that foods for special dietary use (e.g. infant feeding or products for sportspeople) can be addressed by task forces, if Codex considers international harmonization in these areas to be necessary. On this view, it would be appropriate for WHO to continue to give advice on and advocate for any necessary regulation to be set at the national level, taking account of local needs and customs, but not for Codex to set standards or take a major role in purely educational and exhortatory nutritional activities. The other main alternative is that nutrition should play a larger role in Codex work because of the importance of good nutrition to consumers. If the Commission adopts this view however, it will need to clearly specify the tasks for Codex, and it will need credible scientific advice on nutrition issues (perhaps from a joint WHO/FAO expert committee similar to JECFA). Although we did not have time to study this issue in depth, we feel the Commission needs to give careful thought to the future of nutrition in Codex, with a view to either discontinuing further work in the area, or else placing it on a more carefully justified basis, consistent with the competing priorities within Codex.

Hygiene

12.6 Responses to the questionnaire noted the overlap between the CCFH and the CCMH. One option would be to merge the two committees. We understand, however, that CCMH has recently completed its work and is about to adjourn. Therefore, we suggest that CCMH should now be wound up. Any future work involving meat hygiene could be assigned to a time-limited task force. It would also seem appropriate for CCFH to complete its present work programme and then take on, in simplified form, a wider remit for all hygiene work.

12.7 Other responses to the questionnaire noted that hygiene provisions relating to different commodities were prepared in different ways, some by CCFH and some by commodity committees. Codex needs to rationalize its approach to establishing hygiene provisions for commodities. Perhaps CCFH, after a careful review of its present workload and the priorities of Codex, could undertake the development of a set of hygiene principles that could be applied to either standardized or non-standardized commodities.

Regional Coordinating Committees

12.8 Questions have been raised about the role of the Regional Coordinating Committees and their role and status within Codex. The Coordinating Committees' mandate remains valid with regard to: (1) promoting mutual exchange of information on food regulatory and control issues, (2) drawing the Commission's attention to the needs of the regions and any aspects of Codex work that are of particular significance to them, (3) recommending the development of world-wide standards of interest to the regions and exercising a general coordinating role within the regions. The Regional Coordinating Committees also provide a focal point for the capacity building efforts that have made a positive impact in widening the understanding of Codex standards work and improving participation in its work by member states. There is however, a need to closely re-examine the TOR of the Regional Coordinating Committees for the purposes of (1) determining the relevance of developing Codex standards of specific interest to one region, (2) studying the drive to convert regional standards into world-wide standards and (3) examining the need to promote acceptance of Codex standards, given the status accorded to them by WTO. It is further necessary to be cognizant of the questions that have been raised about how the WTO would view a regional standard in a trade dispute outside the region. Possible changes to the Regional Coordinating Committees' mandate include the elimination of standards development from their TOR. The promotion of acceptance of Codex standards would also appear to be irrelevant in the WTO era.

12.9 In our view Codex should in future limit itself to developing global standards by global committees and task forces, and leave the development of regional standards to other regional bodies.

13. RECOMMENDATIONS

13.1 We have 20 specific recommendations, which we list below. In each case, we indicate the principal paragraph in which the relevant issues are discussed.

1. A formal prioritization should be undertaken of all new work proposals, before resources are allocated. (5.3)
2. Steps should be taken to increase the proportion of work done by correspondence (5.3)
3. A time limit should be set for completion of each new project (5.3)
4. Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once that task is completed. (5.5)
5. Codex should review its remit to ensure that it conforms more closely to the current expectations of its members, having particular regard to the implications of the WTO agreements. (6.5)
6. The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants. (6.5)
7. A regular meeting of the chairs of subsidiary bodies should be formally recognised in the Procedural Manual. The meetings may be informal, but a summary of the main points discussed should be made available to all Codex members. (7.2)
8. Steps currently being taken to encourage collegial working within the Codex Secretariat should be encouraged. (7.4)
9. Maximum use should be made of working groups, bilateral, or other low-level contacts between sessions to reduce the time needed to reach consensus in plenary meetings. (7.5)
10. All standard-setting work should be subject to a greater degree of management oversight. Specifically, a new Commodities Management Committee should be established to manage the preparation and updating of commodity standards. (10.7-8)
11. All commodity committees and task forces should be given simple enabling TOR which should be revised for a limited period only, to assign specific tasks to the committee. (10.10)
12. The circumstances in which the Executive Committee, or some other body, should carry out a similar management role for the other committees should be carefully considered by the Commission. (10.12)
13. All committees should be encouraged to adopt a more systematic approach to self-management. (8.7)
14. CCFAC should be split into separate Additives and Contaminants committees. (9.4)
15. The GSFA should be the single authoritative reference point for food additives and this should be made clear in all commodity standards. (11.11)
16. All Codex requests for JECFA advice on additives and contaminants should be routed exclusively through the Additives or Contaminants committees (11.9)
17. Consideration should be given to re-writing the TOR of CCMAS and re-assigning responsibility for specifying methods of analysis and sampling to the committee specifying the relevant limits. (12.3)

18. The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be. (12.5)
19. CCMH should now be wound up. CCFH should consider possibility of drafting a set of general guidelines to help rationalise hygiene provisions in commodity standards. (12.6)
20. Provision for the drafting of regional standards should be removed from the TOR of the Regional Coordinating Committees. (12.8.)

Excerpt from the “Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work”⁴

Recommendation 16: *Codex should undertake a review, including a detailed study by consultants of the work of general subject and commodity committees as soon as possible, and thereafter on a fixed schedule, with a view to rationalization where appropriate. The review should in particular examine:*

- *the existing committee mandates with a view to rationalization;*
- *any need for redistribution of tasks and responsibilities between committees; and*
- *any need to split committees.*

Also:

- a) commodity work should be handled through time bound task-forces;*
- b) no new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force;*
- c) the treatment of health issues in commodity committees should be reduced to the essential minimum and wherever possible handled through a task force with the relevant horizontal committee.*

Terms of Reference of the Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces⁵

(a) With the objective of reducing the number of Codex meetings while also keeping them short and focused, the review should concentrate on:

- adequacy of the current structure of general subject committees to meet member countries’ needs in a flexible and timely manner;
- adequacy of the current structure of commodity committees to meet member countries’ needs in a flexible and timely manner;
- areas of overlap and areas where coverage of the subject matter is inadequate, taking into consideration the needs that were not covered or new issues that may arise in the future; and
- relationship between all committees and task forces, particularly the relations between commodity and general subject committees (task forces);

(b) Based on a detailed study of the points above and inputs received from Codex chairs and host governments, and taking full account of the Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work as well as ongoing work on specific subjects at the committee level, recommendations should be formulated for consideration by the Commission. These may include proposals for revision of the existing committee mandates with a view to rationalisation, proposals for redistribution of tasks and responsibilities between committees, and proposals to split or merge committees.

(c) The recommendations to the Commission should also take into account the ability of all members of the Commission to participate in the standards development process, including the sustainability of the subsidiary body structures and their work programmes, especially in the light of the holding of annual sessions of the Commission and the operation of the FAO/WHO Trust Fund for Enhanced Participation in Codex.

⁴ <http://www.fao.org/docrep/meeting/005/y7871e/y7871e00.htm>

⁵ ALINORM 04/27/41, para. 132

QUESTIONNAIRE ON THE CODEX COMMITTEE STRUCTURE AND MANDATES

☐ Chair of Codex Subsidiary Body

(Committee/Task Force on)

☐ Host Government Secretariat of Codex Subsidiary Body

(Committee/Task Force on)

Date:

Contact Address of Respondent

Name:

Title/Organization:

Mailing address:

Phone number:

Fax number:

Email: @

Section A: General Questions on Codex Committee Structure

A1. The current structure of Codex subsidiary bodies dates back to early days of the Joint FAO/WHO Food Standards Programme, where the focus was to develop a set of standards covering a number of areas from scratch. Is the overall structure of Codex subsidiary bodies (e.g. division of responsibilities and distribution of work between general subject committees, commodity committees and task forces) still considered as appropriate, in the light of evolving working programme of Codex? Identify actual and potential problems if any and state any proposals for improvement.

A2. Is the way different subject matters are covered by the existing Codex General Subject Committees, Commodity Committees and Task Forces considered as appropriate? Identify actual or potential overlap or gaps between subsidiary bodies if any and state any proposals for improvement.

A3. Is the manner in which Codex Committees and Task Forces interact and coordinate with each other considered as appropriate? Particular reference is made to (i) the interaction between general subject committees and commodity committees regarding endorsement procedures of specific provisions, (ii) between world-wide committees and coordinating committees regarding the elaboration procedure before and after Step5, (iii) between committees involved in the elaboration of a standard addressing a broad area covered by these and iv) to the potential for contradictions or inconsistencies in standards between general subject committees and commodity committees.

A4. Is the way Codex standards reviewed and revised considered as appropriate? Is the way work is done by correspondence (especially within those Committees adjourned *sine die*) considered appropriate? Identify actual and potential problems if any and state any proposals for improvement.

A5. Is the establishment of a single commodity committee considered as an option for streamlining the work of Codex? Are there other options to be explored to achieve the objective of reducing the number of Codex meetings per year?

A6. State any other relevant observation.

Section B: Specific Questions on the Committee/Task Force on

(This Section can be copy-and-pasted as many times as necessary to state your observation on more than one Committee/Task Force.)

B1. Are the terms of reference of the Committee as set out in the Procedural Manual considered as appropriate? Provide your observation.

B2. Are the frequency of meetings of the Committee considered as appropriate in the light of current and future workload? Provide your observation.

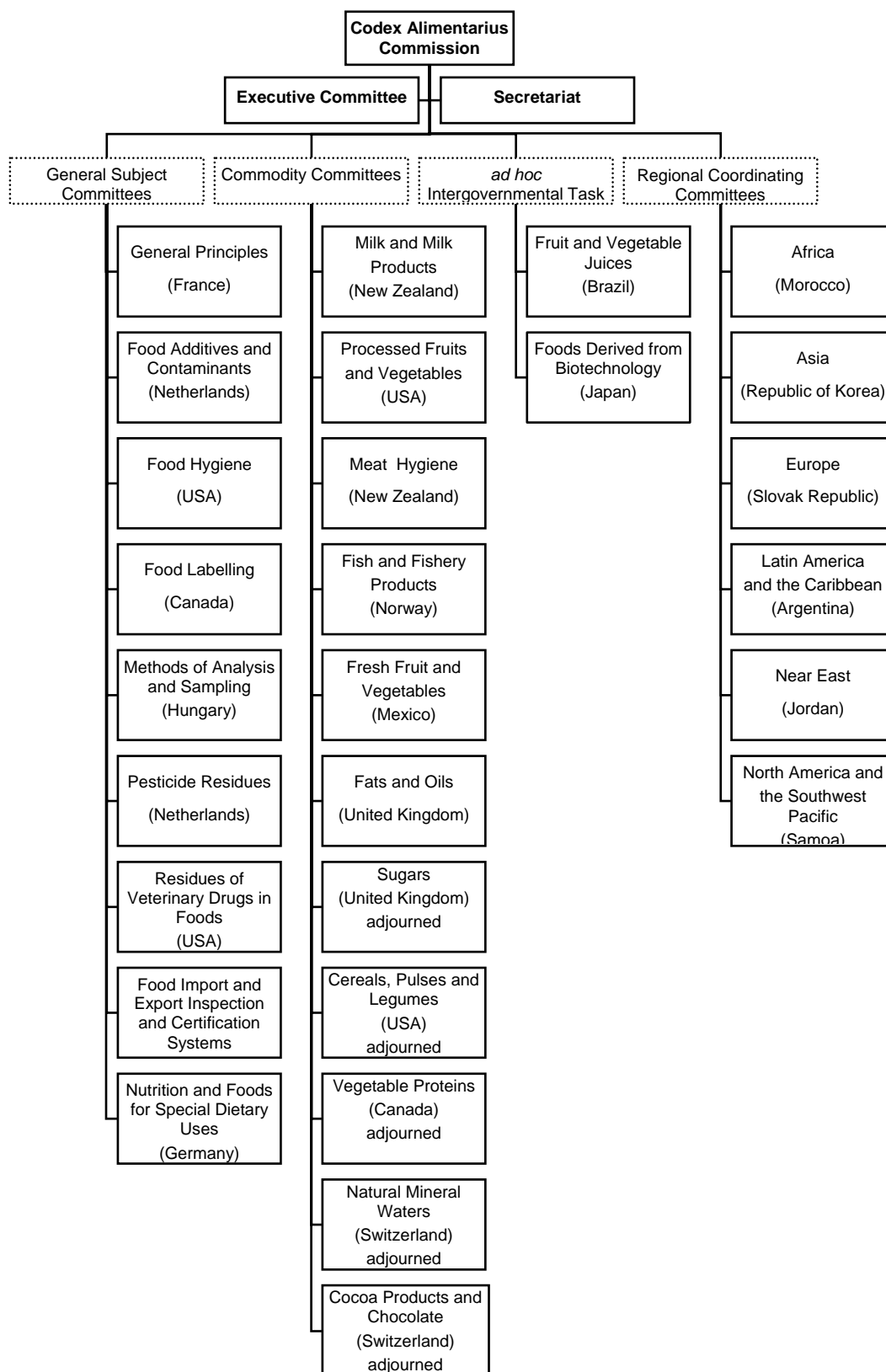
B3. Can the work of the Committee be streamlined or be made more efficient by merging the Committee with other Committees (if so please identify them) or splitting the Committee into two or more Committees? Indicate foreseen advantages or disadvantages for such proposals.

B4. Is the way the Committee interacts with other Committees considered appropriate? Identify actual and potential problems if any and state any proposals for improvement.

B5. State any other relevant observation on the operation of the Committee.

Thank you.

Joint FAO/WHO Food Standards Programme



NUMBER OF STANDARDS ADVANCED TO STEP 5 AND STEP 8 BY COMMITTEE⁶

COMMITTEE	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
<u>GENERAL PRINCIPLES</u>																			
Step 5																			0
Step 8																	1		1
<u>FOOD ADDITIVES & CONTAMINANTS</u>																			
Step 5			2				2	1	2	2	2	2	4	5	4	3	6	8	43
Step 8			1	2	3		2	3	2	3	5	5	5	5	11	7	6	15	75
<u>FOOD HYGIENE</u>																			
Step 5		2	2				1	1	3		2	1		1	1		1		15
Step 8		3	3		3		2	1	1	3	3	2	2		1		1	1	26
<u>FOOD LABELLING</u>																			
Step 5					1		1	2			1	1	2			3	1		12
Step 8			1		3		1			2	1	3	2	2	3		4		22
<u>METHODS OF ANAL AND SAMPLING</u>																			
Step 5							1									2		1	4
Step 8	1				1	2	4	3	1		2							2	16
<u>PESTICIDE RESIDUES</u>																			
STEP 5		1		1	1		2	1	1	1	1	1	1	1	1	1	1	1	16
STEP 8		1		2	3	1	2	1	2	2	2	3	3	2	3	2	3	2	34
<u>RESIDUES OF VET DRUGS IN FOODS</u>																			
Step 5				4			1	1	1	1		1		1	2		1		13
Step 8		1	1	1	3		5	1	1	3		2		2	2		2		24
<u>FOOD IMP AND EXP INSP CERT SYS</u>																			
Step 5							2		1	1		1		2		1			8
Step 8									2	1	2		1	2		2		1	11
<u>NUT FOODS FOR SPEC DIET USES</u>																			
Step 5	1	2				1			1	3		1						3	12
Step 8	3	2			5				1	2		1			1				15
<u>MILK and MILK PRODUCTS</u>																			
Step 5								7		1				3		4		3	18
Step 8								2		8		1		4		4		1	20

⁶ Indicative data; figures yet to be confirmed.

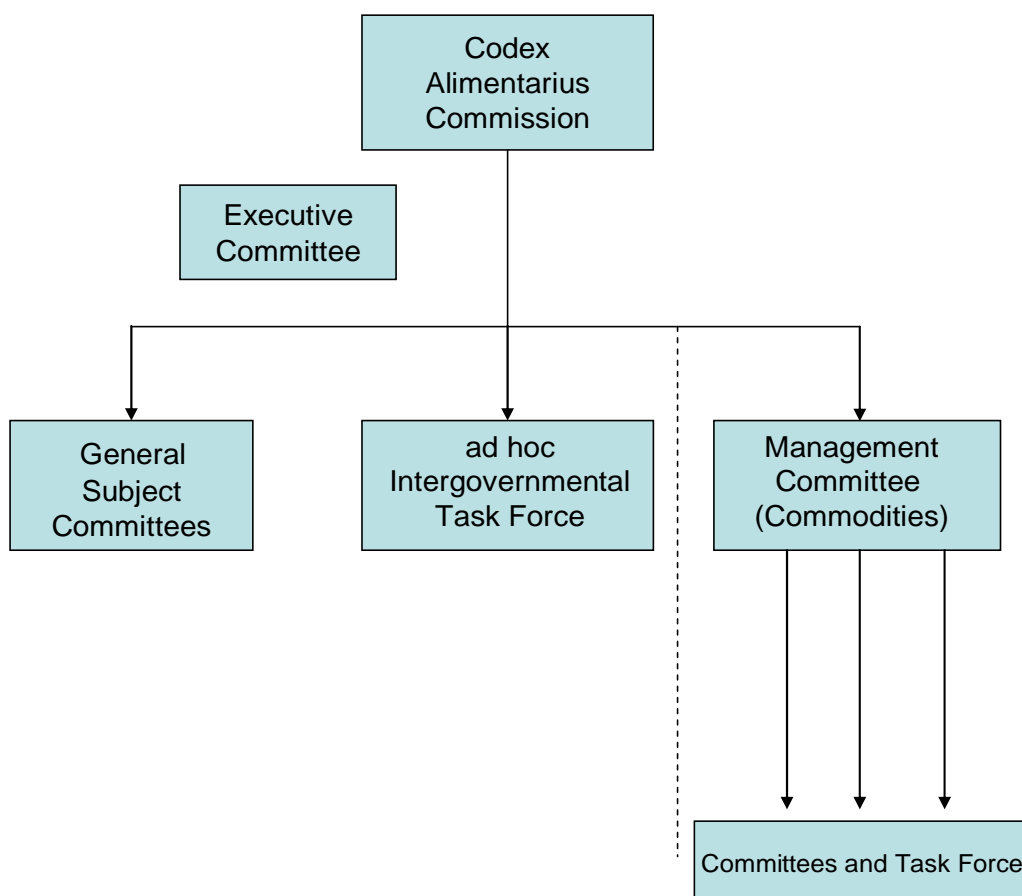
COMMITTEE	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
<u>COCOA PROD AND CHOCOLATE</u>																			
Step 5												3		1					4
Step 8														5	4				9
<u>PROCESSED FRUITS & VEGETABLES</u>																			
Step 5											2			2					4
Step 8					1									3		4			8
<u>MEAT HYGIENE</u>																			
Step 5																1	1		2
Step 8					3												1		4
<u>FISH AND FISHERY PRODUCTS</u>																			
Step 5		1		1		12				1		1		2		2	4		24
Step 8		4				1		14				1		2		2	1		25
<u>FRESH FRUITS AND VEGETABLES</u>																			
Step 5				3				1		5	3		3		1	1	1		18
Step 8								3		2	6		6		5	5	1		28
<u>FATS and OILS</u>																			
Step 5						8									1				9
Step 8		6				2				3			4		2		2		19
<u>SUGARS</u>																			
Step 5																			0
Step 8														2					2
<u>CEREALS, PULSES & LEGUMES</u>																			
Step 5		2		1		6													9
Step 8		2		2				17											21
<u>VEGETABLE PROTEINS</u>																			
Step 5		4																	4
Step 8				3											1				4
<u>NATURAL MINERAL WATERS</u>																			
Step 5																			0
Step 8										1					2				3
<u>TOTAL</u>																			
Step 5		5	8	4	10	2	27	10	14	9	15	11	12	10	18	10	18	16	215
Step 8		10	13	9	7	25	6	16	45	10	30	21	18	23	29	35	26	22	367

NUMBER OF DOCUMENTS BEING WORKED ON SIMULTANEOUSLY BY COMMITTEE BY YEAR⁷

COMMITTEE	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
<u>GENERAL PRINCIPLES</u>			17			12				10		13	11	8	8	14	11		104
<u>FOOD ADDITIVES & CONTAMINANTS</u>	38	21	22	20	21	18	23	20	21	24	28	31	30	41	38	38	36	44	514
<u>FOOD HYGIENE</u>	9	25	15		11		9	11	12	16	20	16	13	11	14		14	10	206
<u>FOOD LABELLING</u>	9			10	11		6	7		7	9	12	9	12	9	10	11		122
<u>METHODS OF ANALY & SAMP</u>		8			10	10		12	10		11	9			10	12		12	104
<u>PESTICIDE RESIDUES</u>		19		20	21	17	14	15	12	11	11	13	16	20	13	17	17	16	252
<u>RESIDUES OF VET. DRUGS IN FOODS</u>	12	18	18	20	15	14		12	13	14		15		13	13		12		189
<u>FOOD IM & EXP CERT SYSTEMS</u>						4	13		9	8	9	6	6	14		11		8	88
<u>NUT & FDS SPC DIETARY USES</u>	13	23			10	8			12	11		15		13	7	7	9		128
<u>MILK and MILK PRODUCTS</u>								23		24		23		21		17	31		139
<u>COCOA PRODUCTS AND CHOCOLATE</u>										4		4		6	4				18
<u>PROCESSED FRUITS & VEGETABLES</u>									2			33		18		14			67
<u>MEAT HYGIENE</u>					7		4									6	5		22
<u>FISH AND FISHERY PRODUCTS</u>		45		21		25		25		19		9		11		14	13		182
<u>FRESH FRUITS AND VEGETABLES</u>		8		15	16		20	15		18	20		21	15		11	9		168
<u>FATS and OILS</u>	9						9			8			8		6		7		47
<u>SUGARS</u>															7				7
<u>CEREALS, PULSES & LEGUMES</u>		17		12		11		19											59
<u>VEGETABLE PROTEINS</u>	12		4												1				17
<u>NATURAL MINERAL WATERS</u>										2		3		2					7
TOTAL	102	184	76	118	122	119	98	159	91	176	108	202	114	205	130	171	175	90	2440

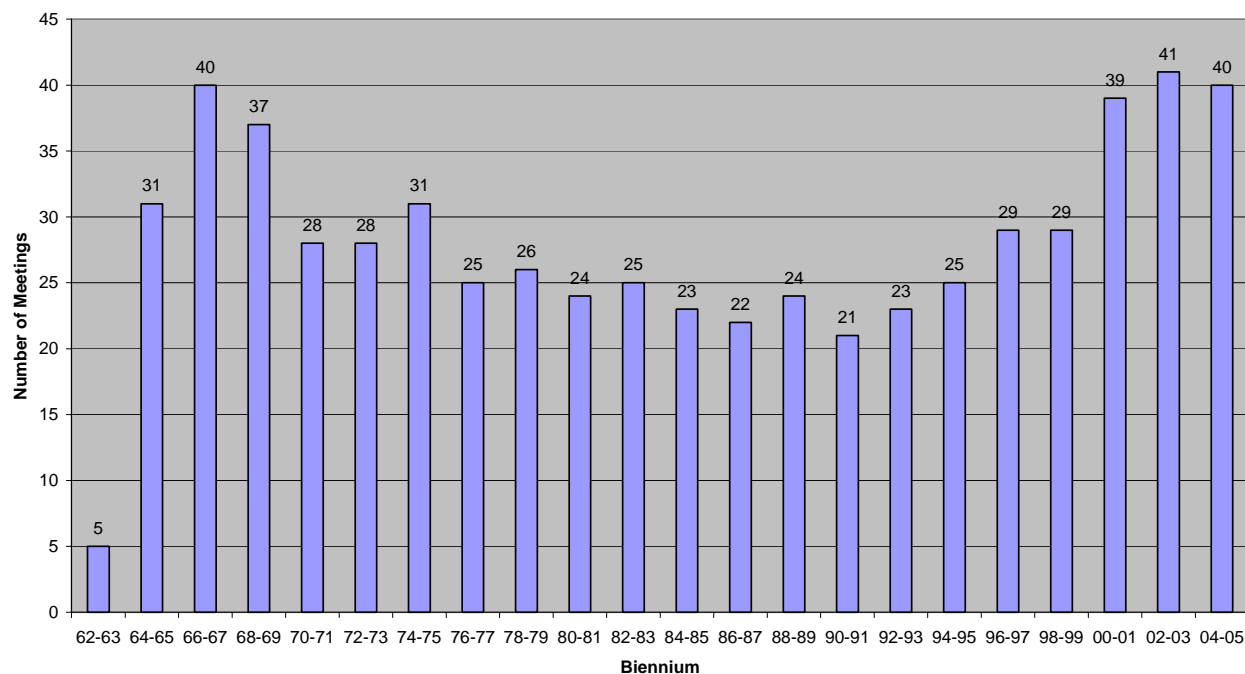
⁷ Indicative data; figures yet to be confirmed.

Transition Structure

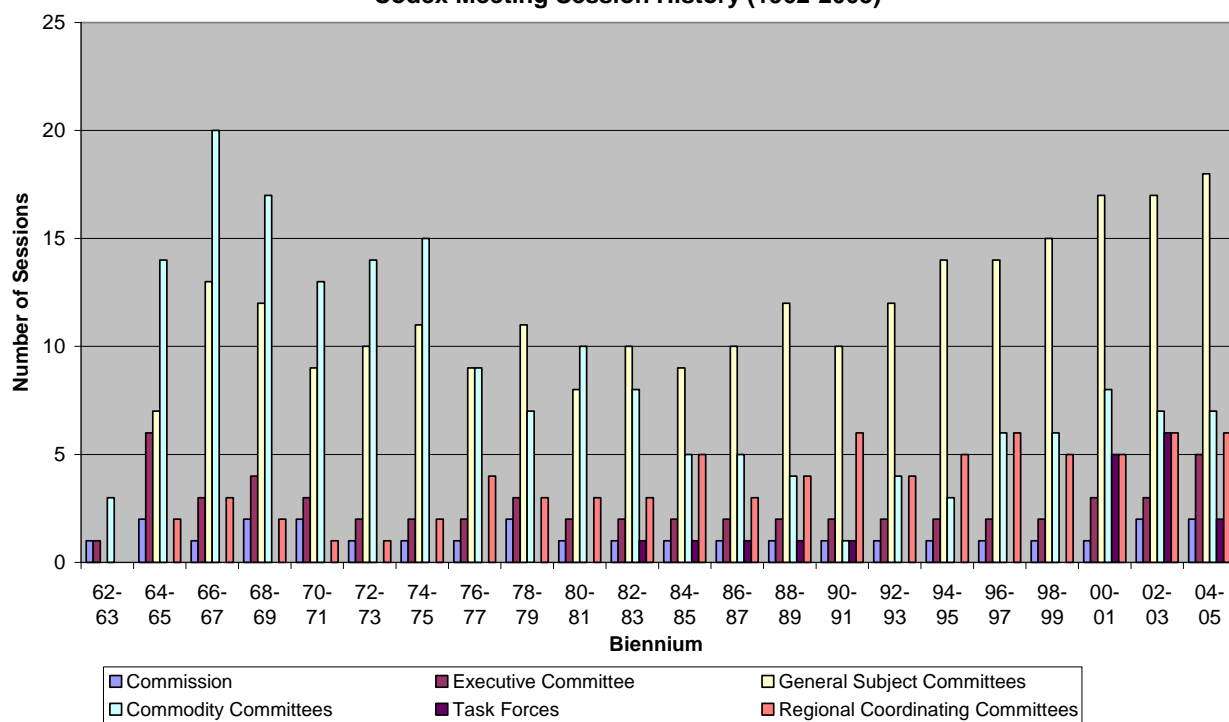


Trends in the Number of Codex Meetings

Number of Codex Meetings per Biennium (1962-2005)



Codex Meeting Session History (1962-2005)



Note: The Joint ECE/Codex Groups of Experts on Standardization were counted as commodity committee meetings